

**IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MARYLAND**

**RUSSIAN RESEARCH CENTER
THE KURCHATOV INSTITUTE,**

Plaintiff,

v.

WESTERN SERVICES CORP., et al.,

**Defendants and
Third-Party Plaintiff,**

v.

GSE SYSTEMS, INC.

**Third-Party
Defendants.**

Case No.: AMD 02-3878

**MOTION FOR LEAVE TO AMEND ANSWER, DEFENSES,
COUNTERCLAIM AND THIRD PARTY CLAIM OF
WESTERN SERVICES CORPORATION AND GEORGE UTMEL**

Defendants and Counterclaimant Western Services Corporation (“Western”) and George Utmel (“Utmel”), through undersigned counsel, hereby move for leave to file the attached First Amended Answer, Defenses, Counterclaim, and Third-Party Claim pursuant to Federal Rule of Civil Procedure 15(a) and Local Rule 103.6.

Neither Plaintiff The Russian Research Center The Kurchatov Institute nor Third-Party Defendant GSE Systems, Inc. consent to this motion.

The grounds for this motion are:

1. Additional defenses to Kurchatov's claims have been revealed during the discovery stage of this litigation.
2. Western and Utmel wish to amend its pleadings to identify these additional defenses so that all parties are on express notice of the defenses.
3. Since filing its third-party claims against GSE Systems, Inc. ("GSE"), Western has also learned that GSE registered two domain names: "SIMPORT.US" and "SIMPORT.BIZ," each of which infringe on Western's proprietary interest in the "SimPort" mark.
4. Western thus wishes to amend its counterclaims to include a claim under 15 U.S.C. § 1125(d) for violation of Western's "SimPort" mark.
5. Fed. R. Civ. P. 15(a) provides that leave to amend pleadings "shall be freely given when justice so requires."
6. No party shall be prejudiced by the proposed amendment. The amendment seeks simply to conform Western's and Utmel's pleading to the facts revealed to date, and in any event discovery does not close until February 3, 2004.

CONCLUSION

For the foregoing reasons, Western and Utmel respectfully request that the Court grant leave for them to file the attached First Amended Answer, Defenses, Counterclaim, and Third-Party Claim.

Respectfully submitted,

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Dated: October 30, 2003